

AMENDMENTS TO LB 1086

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. The Legislature finds and declares that drug
4 use contributes to crime in Nebraska, costs millions of dollars in
5 lost productivity, and contributes to the burden placed upon law
6 enforcement, court, and correctional systems in Nebraska.

7 The Legislature also finds and declares that drug court
8 programs are effective in reducing recidivism of criminal behavior
9 of persons who participate in and complete drug court programs.
10 The Legislature recognizes that a drug court program offers a
11 person charged with certain offenses an alternative component of
12 the traditional criminal justice or juvenile justice proceedings.

13 Sec. 2. For purposes of sections 1 to 4 of this act,
14 drug court program means a program supervised by a court, subject
15 to any rules promulgated by the Supreme Court for procedures to be
16 implemented in the administration of such program within the court
17 system, that has special calendars or dockets designed to achieve a
18 reduction in substance abuse and recidivism of criminal behavior
19 among nonviolent, substance abusing offenders by increasing their
20 likelihood for successful rehabilitation through early, continuous,
21 and intense judicially supervised treatment, mandatory periodic
22 drug testing, case management, and the use of appropriate sanctions
23 and other rehabilitation services.

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1 Sec. 3. In those jurisdictions where a drug court
2 program has been or will be created, the drug court program's local
3 governing body may enter into interlocal agreements with local and
4 state agencies for implementation and management of the drug court
5 program and may provide funds in advance of the rendition of drug
6 court program services.

7 Sec. 4. In a case involving criminal activity in which
8 the offender is participating in a court-ordered drug treatment
9 program, a judge of any court of this state may:

10 (1) Order drug testing for the offender;

11 (2) Impose jail time as a sanction for noncompliance with
12 the drug treatment program; or

13 (3) Impose any other condition deemed reasonably
14 necessary to assure compliance with the drug treatment program.

15 Sec. 5. Laws 2001, LB 543, section 159, as amended by
16 section 98, Legislative Bill 1, Ninety-seventh Legislature, First
17 Special Session, 2001, and section 96, Legislative Bill 1309,
18 Ninety-seventh Legislature, Second Session, 2002, is amended to
19 read:

20 Sec. 159. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL
21 SERVICES

22 Program No. 200 - Operations

23		FY2001-02	FY2002-03
24	GENERAL FUND	101,168,199	115,280,847
25	CASH FUND	1,782,737	582,737
26	FEDERAL FUND est.	409,015	240,182
27	REVOLVING FUND est.	16,151,137	16,284,555

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1	PROGRAM TOTAL	119,511,088	132,388,321
2	SALARY LIMIT	64,921,080	73,278,432

3 The salary limitations provided by this section do not
4 include Revolving Fund salaries. There are no salary limitations
5 for Revolving Fund program classifications 390 and 563.

6 The Department of Administrative Services shall monitor
7 the appropriations and expenditures for this program according to
8 the following program classifications:

9 No. 260 - Nebraska Correctional Youth Facility
10 No. 300 - Tecumseh Correctional Center
11 No. 367 - Community-Based Services
12 No. 368 - Lincoln Community Corrections Center
13 No. 369 - Omaha Community Corrections Center
14 No. 370 - Central Office
15 No. 372 - Nebraska State Penitentiary
16 No. 373 - Nebraska Center for Women - York
17 No. 375 - Diagnostic and Evaluation Center
18 No. 376 - Lincoln Correctional Center
19 No. 377 - Omaha Correctional Center
20 No. 378 - Hastings Correctional Center
21 No. 383 - Correctional Treatment Facility
22 No. 386 - McCook Incarceration Work Camp
23 No. 389 - Adult Parole Administration
24 No. 390 - Federal Surplus Property
25 No. 495 - Department Central Warehouse
26 No. 563 - Correctional Industries
27 Revolving Fund expenditures shall not be limited to the

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1 amounts shown.

2 The unexpended General Fund appropriation balance
3 existing on June 30, 2001, is hereby reappropriated.

4 ~~No funds for community-based services are included in the~~
5 ~~appropriation to this program for FY2002-03.~~ Funds for
6 community-based services are included in the appropriation to this
7 program for FY2002-03, including funding for drug court program
8 services.

9 There is included in the appropriation to this program
10 for FY2001-02 \$275,000 General Funds for state aid, which shall
11 only be used for such purpose. There is included in the
12 appropriation to this program for FY2002-03 \$269,500 ~~\$-0-~~ General
13 Funds for state aid, which shall only be used for such purpose.

14 It is intended that the Department of Correctional
15 Services shall maintain a Department Contingency Fund and a
16 Department Equipment Fund.

17 Sec. 6. Original Laws 2001, LB 543, section 159, as
18 amended by section 98, Legislative Bill 1, Ninety-seventh
19 Legislature, First Special Session, 2001, and section 96,
20 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,
21 2002, is repealed.".